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08/928,861	09/12/1997	IGOR NEYMAN	P3251	1146
24739	7590	05/24/2004	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 05/24/2004

28

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/928,861

Applicant(s)

NEYMAN ET AL.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/22/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Reopening of Prosecution***

1. In view of the Appeal Brief filed on 12/22/04, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Specification***

2. The amendment filed 4/9/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a. 'routing Internet Protocol Network Telephony (IPNT) calls at customer premises having a managing processor and a plurality of agent stations coupled to the managing processor, each agent station comprising a computer digitally connected to a telephone forming an IPNT-capable workstation'
- b. 'receiving an IPNT-call at the managing processor'
- c. 'determining the person assigned to the IPNT-capable workstation'
- d. 'routing the call to the IPNT-capable workstation'

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Applicant is required to cancel the new matter identified in a-d above in the reply to this Office Action.

***Claim Objections***

3. Claims 10 and 13 are objected to because of the following informalities: They recite the limitations “the routing determination” and “the incoming call” on lines 10 and 13 respectively. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 2 recites limitations for ‘receiving an IPNT call at a managing processor’, ‘routing the call to the IPNT-capable workstation’ and ‘without converting the protocol of the IPNT call’. Claim 10 recites the limitations ‘a plurality of IPNT-capable agent workstations’ and ‘without converting the protocol of the received calls’. Claim 13 recites limitations for ‘a managing processor connected to individual IPNT-capable computer workstations’ and ‘without converting

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the protocol of the incoming call'. There does not appear to be a written description of these limitations in the application as filed.

The original specification only briefly describes IPNT protocol on pages 33-34. Examiner believes the specification fails to support/disclose the claimed protocol. Examiner realizes that voice over Internet has multiple protocols such as IP, H.323, etc. Since IPNT protocol is not a well known protocol, and the specification fails to disclose the details about the claimed protocol, one skilled in the art will not be able to make or use the claimed protocol. Further, the specification fails to disclose as to how the claimed system with the negative limitation, i.e. without converting the protocol of the IPNT call, can be made/used by one skilled in the art.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by **Rogers et al.** (US 5,946,386).

As to Claims 10 and 13, with respect to Figures 1-2 and 5, **Rogers** teaches in an organization (customer premises Internet Protocol Network Telephony call center) having a call management computer (managing processor) coupled to a plurality of workstations (IPNT-capable agent

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workstations), including VIP rules (sets of routing rules) specific to individual users (agents) assigned to the workstations, the managing processor for routing received calls to individual ones of the connected users (agents) at the computer workstations, a method for individual customization of routing rules for the received calls, comprising steps of:

(a) executing a client user interface on one of the computer workstations by a user (an agent) at the station (Figure 7 and Col. 36, lines 23-32);

(b) determining routing for the received calls addressed to the computer workstation at the computer workstation by the user (agent) at the computer workstation using the client user interface to access and edit personal routing rules (Col. 36, lines 33-45);

(c) transmitting the routing determination to a router executing on the managing processor (Col. 36, lines 19-32); and

(d) routing the received telephone calls by the router according to the transmitted routing determination, without converting the protocol of the received calls (Col. 8, lines 51-59, Col. 36, lines 33-45 and Col. 37, lines 1-51).

### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2-10,12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rogers** (US 5,946,386) in view of **Andrews et al.** (US 5,848,143).

As to Claims 2,7, with respect to Figures 1 and 5, **Rogers** teaches a method for routing voice over Internet (Internet Protocol Network Telephony (IPNT)) calls at a PBX (customer premises) having a call management computer (managing processor) and a plurality of telephones and workstations (agent stations) coupled to the call management computer (managing processor), the call management computer (managing processor) storing VIP rules (a current set of routing rules) specific to and accessible and editable by a user (person) assigned to the telephone and workstation (computer workstation), the method comprising steps of:

(a) receiving a voice-over-Internet (an IPNT) call at the call management computer (managing processor) (Col. 7, lines 41-43, Col. 9, lines 47-50, Col. 10, lines 18-21, Col. 11, lines 8-13, 40-43 and Col. 25, lines 8-11; Claim 1, step e and Claim 4);

(b) determining the user (person) assigned to the telephone and workstation (IPNT-capable workstation) is an intended recipient for the call (Col. 12, lines 18-22 and Col. 29, lines 32-37; Claim 1, step f and Claim 25);

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(c) requesting routing by the managing processor from the specific set of current routing rules for the workstation, accessible and editable by the person assigned to the computer workstation (Col. 12, lines 1-6, 18-22, Col. 36, lines 33-45; Claim 1, steps d, g and h); and

(d) routing the call to the IPNT-capable workstation associated with the intended recipient according to the current routing rules specific to the intended recipient (Col. 36, lines 33-45, Col. 38, lines 63-68; Claim 1, step h and Claim 25).

**Rogers** does not teach the following limitations:

“each agent station comprising a computer digitally connected to a telephone forming an IPNT-capable workstation” and “without converting the protocol of the IPNT call”

**Rogers** teaches an Internet interface, receiving voice-over-Internet (IPNT) calls, routing voice-over-Internet calls to users on the Internet and workstations with TAPI client (computer with digital connected telephone) for out dialing and receiving calls (Col. 8, lines 53-58, Col. 7, lines 44-46, Col. 9, lines 47-52 and Col. 35, lines 18-22).

It is not clear that **Rogers'** TAPI workstation receives IPNT calls because calls are processed with separate telephone and workstation devices. It is also not clear that **Rogers'** IPNT calls are processed over solely Internet network facilities which would indicate no protocol conversions.

Further, it is clear that the agent's workstation in Figure 11 inherently has the claimed telephone because the station has telephone application programming interface means (block 654, Figure 11) for performing telephony functions.

**Andrews** teaches an ACD system with agents' workstations with TAPI capability (computer digitally connected to a telephone) which receives and processes Internet calls using



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solely Internet network facilities (TCP/IP) (Figure 9, labels 410,408,402, Figure 10, labels 482,484, Figure 11, label 454 and Col. 12, lines 61-64). The teachings of **Andrews** show that **Rogers** TAPI client integrates the separate telephone and workstation capabilities taught by **Rogers** (see Figure 1, labels 106,114) and can be used for processing Internet calls without changing the TCP/IP protocol. Therefore, having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to use **Rogers**' invention for processing Internet calls using solely Internet network facilities as taught by **Andrews**' invention in order to improve the efficiency of processing Internet calls by using a single workstation device instead of separate workstation and telephone devices.

As to Claims 3,17, **Rogers** teaches the method of Claim 2 wherein the editable routing rules specific to the person are maintained at the computer workstation (Col. 27, lines 5-15 and Col. 29, lines 10-28).

As to Claims 4-5,14-15,18, **Rogers** teaches the method of Claim 2 wherein the editable routing rules for the intended recipient are maintained on a central client-server router executed on a processor (Col. 36, lines 20-32).

As to Claims 6,12,16, **Rogers** teaches the method of Claim 4 wherein the call management computer (processor executing the client-server router) is a processor separate from the call management databases (managing processor) (Figure 2 and Col. 26, lines 51-56).

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As to Claims 8-9, **Rogers** teaches the method of Claim 4 wherein there are multiple workstations coupled to the managing processor, and the client-server router has router-rule portions dedicated to individual ones of agents at individual ones of the computer workstations, and wherein an individual agent, through a user interface executing on a computer workstation to which an agent is assigned, may access the portion dedicated to that agent, and edit the routing rules therein (Col. 32, lines 26-48 and Col. 33, lines 1-5).

As to Claims 10 and 13, with respect to Figures 1-2 and 5, **Rogers** teaches in an organization (customer premises Internet Protocol Network Telephony call center) having a call management computer (managing processor) coupled to a plurality of workstations (IPNT-capable agent workstations), including VIP rules (sets of routing rules) specific to individual users (agents) assigned to the workstations, the managing processor for routing received calls to individual ones of the connected users (agents) at the computer workstations, a method for individual customization of routing rules for the received calls, comprising steps of:

- (a) executing a client user interface on one of the computer workstations by a user (an agent) at the station (Figure 7 and Col. 36, lines 23-32);

- (b) determining routing for the received calls addressed to the computer workstation at the computer workstation by the user (agent) at the computer workstation using the client user interface to access and edit personal routing rules (Col. 36, lines 33-45);

- (c) transmitting the routing determination to a router executing on the managing processor (Col. 36, lines 19-32); and

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(d) routing the received telephone calls by the router according to the transmitted routing determination, (Col. 8, lines 51-59, Col. 36, lines 33-45 and Col. 37, lines 1-51);

**Rogers** does not teach the following limitation:

“without converting the protocol of the received calls”

**Rogers** teaches an Internet interface, receiving voice-over-Internet (IPNT) calls, routing voice-over-Internet calls to users on the Internet and workstations with TAPI client (computer with digital connected telephone) for out dialing and receiving calls (Col. 8, lines 53-58, Col. 7, lines 44-46, Col. 9, lines 47-52 and Col. 35, lines 18-22).

It is not clear that **Rogers'** TAPI workstation receives IPNT calls because calls are processed with separate telephone and workstation devices. It is also not clear that **Rogers'** IPNT calls are processed over solely Internet network facilities which would indicate no protocol conversions.

Further, it is clear that the agent's workstation in Figure 11 inherently has the claimed telephone because the station has telephone application programming interface means (block 654, Figure 11) for performing telephony functions.

**Andrews** teaches an ACD system with agents' workstations with TAPI capability (computer digitally connected to a telephone) which receives and processes Internet calls using solely Internet network facilities (TCP/IP) (Figure 9, labels 410,408,402, Figure 10, labels 482,484, Figure 11, label 454 and Col. 12, lines 61-64). The teachings of **Andrews** show that **Rogers** TAPI client integrates the separate telephone and workstation capabilities taught by **Rogers** (see Figure 1, labels 106,114) and can be used for processing Internet calls without changing the TCP/IP protocol. Therefore, having the cited art at the time the invention was

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made, it would have been obvious to one of ordinary skill in the art to use **Rogers'** invention for processing Internet calls using solely Internet network facilities as taught by **Andrews'** invention in order to improve the efficiency of processing Internet calls by using a single workstation device instead of separate workstation and telephone devices.

*Response to Arguments*

11. Applicant's arguments filed 12/22/04 have been fully considered but they are not persuasive because of the following:

(a) Applicants argue that **Rogers** does not teach or suggest receiving Internet calls without converting the protocols.

Examiner respectfully disagrees. This is because voice-over-Internet calls are received over separate Internet connections through a separate Internet digital interface, 213, and Internet voice interface, 207 (Col. 7, lines 41-43, Col. 8, lines 53-56, Col. 9, lines 47-52, Col. 21, lines 59-60, Col. 39, lines 10-11, Col. 48, Claim 25). These teachings show that Internet calls are received over Internet facilities and routed to users connected to the Internet and, therefore, suggest only Internet protocols and no protocol conversions. Examiner respectfully believes that now Applicants will be able to see that the teachings of **Rogers** were not taken out of context.

(b) Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

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*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Anderson et al.** (US 6,681,010) teach distributing calls to ACD agents based on agent telephone and compute statuses.

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

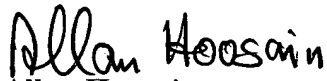
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
**Primary Examiner**  
**5/12/04**